

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA §
§
v. § CRIMINAL ACTION NO. 4:11-CR-248
§
STEVEN WILLIAM TAYLOR (11) §

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Now before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on November 9, 2017, to determine whether Defendant violated his supervised release. Defendant was represented by Robert Arrambide. The Government was represented by Kenneth McGurk.

Steven William Taylor was sentenced on May 22, 2014, before The Honorable Richard A. Schell of the Eastern District of Texas after pleading guilty to the offense of Conspiracy to Possess with Intent to Distribute 100 Grams or More of Heroin, a Class B felony. This offense carried a statutory maximum imprisonment term of 40 years. The guideline imprisonment range, based on a total offense level of 23 and a criminal history category of III, was 60 to 71 months. Steven William Taylor was subsequently sentenced to 60 months imprisonment followed by a 5-year term of supervised release subject to the standard conditions of release, plus special conditions to include financial disclosure, GED classes, and drug treatment and testing. On February 3, 2015, Steven William Taylor's imprisonment sentence was reduced to 40 months. On February 9, 2015, Steven William Taylor completed his period of imprisonment and began service of the supervision term. On October 7, 2015, this case was re-assigned to United States District Judge Marcia Crone.

On October 17, 2017, the U.S. Probation Officer executed a Petition for Warrant or Summons for Offender Under Supervision [Dkt. 1392 Sealed]. The Petition asserted that Defendant violated five (5) conditions of supervision, as follows: (1) Defendant shall not unlawfully possess a controlled substance; (2) Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician; (3) Defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon; (4) Defendant shall participate in a program of testing and treatment for drug abuse, under the guidance and direction of the U.S. Probation Office, until such time as the Defendant is released from the program by the probation office; and (5) Defendant shall attend General Education Development classes while on supervised release.

The Petition alleges that Defendant committed the following acts: (1) and (2) On February 9, 2017, and April 17, 2017, the Defendant submitted a urine specimen that tested positive for marijuana and methamphetamine. The Defendant admitted to using marijuana and methamphetamine on each of those two occasions. On August 14, 2017, the Defendant submitted a urine specimen that tested positive for methamphetamine. The Defendant admitted to using methamphetamine prior to the specimen collection date; (3) On July 17, 2017, a .22 air rifle was found at the Defendant's residence; (4) The Defendant failed to show for drug testing at OnScene Drug Screens in Sherman, Texas, on February 22; April 3, 7, 13, 18, 24, and 27; May 11, 22, and 26; June 5, 9, 14, 23, and 26; July 6, 10, 14, and 28; and August 3, 7, 11, 17, 21, and 30, 2017. On May 30, 2017, the Defendant failed to attend a scheduled substance abuse evaluation at Blackburn and Associates in Denison, Texas; and (5) Defendant has failed to attend GED classes as instructed.

Prior to the Government putting on its case, Defendant entered a plea of true to allegations one (1), two (2), three (3), four (4) and five (5) of the Petition. Having considered the Petition and the plea of true to all the pending allegations, the Court finds that Defendant did violate his conditions of supervised release.

Defendant waived his right to allocate before the District Judge and his right to object to the report and recommendation of this Court.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant's supervised release be revoked and that he be committed to the custody of the Bureau of Prisons for a term of imprisonment of twelve (12) months plus one (1) day, with a three (3) year term of supervised release to follow.

The Court also recommends that Defendant be housed in the Bureau of Prisons Fort Worth, Texas, Men's facility, if appropriate.

SIGNED this 9th day of November, 2017.



Christine A. Nowak
UNITED STATES MAGISTRATE JUDGE